IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 1ST SEPTEMBER 2006 / 10TH BHADRA 1928

Bail Appl..No. 5269 of 2006

CP.54/2006 of ADDL.C.J.M.,THALASSERY
CRIME NO.5/2004 OF EXCISE RANGE, KUTHUPARAMBA

.....

PETITIONER/2ND ACCUSED

P.BHARATHAN, S/O. KRISHNAN,
AGED 55 YEARS, THAZHE KUNDERI HOUSE,
KADIRUR AMSOM, PULLIODE DESOM.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTING
EXCISE INSPECTOR, KUTHUPARAMBA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5269/2006

DATED THIS THE 1ST DAY OF SEPTEMBER, 2006

O R D E R

The petitioner surrendered before the Court below on 8.8.2006, as he was accused of the offence punishable under Section 58 of the Abkari Act, in C.R.No.5/2004 of Excise Range, Kuthuparamba.

2. The allegation is that on 15.3.2004, the petitioner, along with accused Nos.1 and 3, was transporting twenty bottles of rum, each bottle containing 375 ml., ten bottles of brandy of the same denomination and twenty bottles of rum of 180 ml each, thus totaling 14.85 liters of Indian made foreign liquor, in an auto rickshaw. Seeing the Excise party, the petitioner escaped. However, accused Nos.1 and 3 were arrested and they were released on bail by the Court below. The petitioner, the second accused, remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

3. After hearing both sides and considering the

facts on record, including the fact that the matter is pending as C.P.No. 54/2006, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Additional Chief Judicial Magistrate Court, Thalassery.

(b). The petitioner shall report before the Investigating Officer, once in a week, on every Friday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 8.9.2006.

(c). The petitioner shall not leave the Sessions Division of Kannur, till the final trial and disposal of the case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs